

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN RE: NEW YORK COUNTY ASBESTOS
LITIGATION

This document Relates to:
CHRISTIAN F. HOLINKA.,

Plaintiff,

v.

A.W.CHESTERTON COMPANY, et al.,

Defendants.

NYCAL
I.A.S. Part 11
(Madden, J.)

Index. No. 114120/06

**AFFIRMATION OF
DANIEL B. CARROLL, ESQ.**

DANIEL B. CARROLL, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms under penalty of perjury that:

1. I am a partner with the law firm of Drinker Biddle & Reath LLP, attorneys for defendant Baxter Healthcare Corporation ("Baxter"), with offices at 140 Broadway, 39th Floor, New York, NY 10005. I am familiar with the facts of this case, and I submit this affirmation in support of Baxter's application to permit David B. Sudzus ("Mr. Sudzus") to appear in this action *pro hac vice*.

2. Mr. Sudzus is a partner with Drinker Biddle & Reath LLP and is resident in its Chicago, Illinois office. As set forth in the Affidavit of Mr. Sudzus, attached as Exhibit A, he is a graduate of Northwestern University School of Law and is admitted to practice before the Courts of the State of Illinois. Mr. Sudzus is a member in good standing of the Bar of the State of Illinois. Our office is in the process of obtaining a Certificate of Good Standing from the State of Illinois on behalf of Mr. Sudzus and will supplement this application upon receipt of same.

3. Mr. Sudzus is familiar with the facts of this case. He has been actively involved in litigation similar to this matter, and he has been asked to be actively involved in this action.


4. There are no disciplinary proceedings pending against Mr. Sudzus in any jurisdiction, no discipline has previously been imposed upon him in any jurisdiction, and he has agreed to comply with the rules governing the Courts of New York, including all disciplinary rules.

WHEREFORE, I respectfully request that David B. Sudzus be admitted *pro hac vice* for the purpose of appearing and participating in this action on behalf of Baxter, and for such other and further relief as this Court deems appropriate.

Dated: New York, New York
August 24, 2007

DRINKER BIDDLE & REATH LLP

By: _____



Daniel B. Carroll
140 Broadway, 39th Floor
New York, New York 10005-1116
(212) 248-3140

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN RE: NEW YORK COUNTY ASBESTOS
LITIGATION

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CHRISTIAN F. HOLINKA.,

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Defendants.

NYCAL
I.A.S. Part 11
(Madden J.)

Index. No. 11420/06

**AFFIDAVIT OF
DAVID B. SUDZUS, ESQ.**

DAVID B. SUDZUS, being duly sworn according to law, upon his oath deposes and says:

1. I am a partner with the law firm of Drinker Biddle & Reath LLP, which maintains an office at 140 Broadway, 39th Floor, New York, New York. I practice out of Drinker Biddle & Reath LLP's office located at 191 North Wacker Drive, Suite 3700, Chicago, Illinois.

2. I graduated from Northwestern University School of Law in 1990. I am admitted to practice before the Courts of the State of Illinois. I am a member in good standing of the Bar of the State of Illinois, and actively practice in the State of Illinois. A Certificate of Good Standing has been requested from the State of Illinois and will be provided to supplement this application when received.

3. I am associated in this matter with Daniel B. Carroll, a member in good standing of the Bar of the State of New York.

4. I am not currently suspended or disbarred in any jurisdiction.

5. I am not the subject of any pending disciplinary matter in any jurisdiction, and no discipline has previously been imposed upon me in any jurisdiction

6. I am familiar with the rules of practice of the courts of New York.

7. I am familiar with the ethical rules applicable to attorneys who practice in New York and will abide by them.

8. There is good cause for my admission *pro hac vice* in this matter. I am counsel in this matter for defendant Baxter Healthcare Corporation. I have been actively involved in litigation similar to this matter, and I have been asked by Baxter Healthcare Corporation to be actively involved in this action. The relevant issues in this lawsuit involve areas in which I have experience. I am familiar with the facts of this case, and I will comply with the rules governing the Courts of New York, including all disciplinary rules.

WHEREFORE, I respectfully request that I be admitted *pro hac vice* for the purpose of appearing and participating in this action and for such other and further relief as this Court deems appropriate.



DAVID B. SUDZUS

Sworn to and subscribed before me on
this the 23rd day of August, 2007.



Notary Public



**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

**NYCAL
I.A.S. Part 11**

Index No. 114120/06

**IN RE: NEW YORK CITY
ASBESTOS LITIGATION**

CHRISTIAN F. HOLINKA,

Plaintiff,

-against-

A.W. CHESTERTON COMPANY, et al.,

Defendants.

**ORDER TO SHOW CAUSE AND AFFIRMATION OF DANIEL B.
CARROLL, ESQ.**

**DRINKER BIDDLE & REATH LLP
140 Broadway, 39th Floor
New York, New York 10005-1116
(212) 248-3140**

Attorneys for Defendant, BAXTER HEALTHCARE CORPORATION

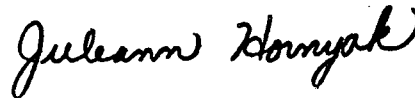
Certificate of Admission To the Bar of Illinois

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

David Brian Sudzus

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 8, 1990 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto
placed my hand and affixed the seal
of said Supreme Court, at Springfield,
in said State, this Monday, August 27, 2007.

A handwritten signature in black ink, reading "Juleann Hornyak". The signature is written in a cursive, flowing style.

Clerk

ORIGINAL

NEW YORK
COUNTY CLERK'S OFFICE

SEP 05 2007

NOT COMPARED
WITH COPY FILE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
IN RE NEW YORK CITY
ASBESTOS LITIGATION
-----X

This document Relates to:
CHRISTIAN F. HOLINKA

NYCAL
I.A.S. Part 11
(Madden, J.)

Index No. 114120-06

Plaintiff,

-against-

AFFIDAVIT OF SERVICE

A.W. CHESTERTON COMPANY, et al.,

Defendants.
-----X

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Daniel K. Gadzanku, being duly sworn, deposes and says:

1. I am over the age of eighteen and I am not a party to this action.
2. On August 28, 2007, I caused a true and correct copy of the Order To Show Cause, and Affirmation of Daniel B. Carroll to be served via Hand Delivery upon the following:

Benjamin Darche, Esq.
Weitz & Luxenberg
180 Maiden Lane
New York, New York 10038-4925
(counsel for plaintiff)

3. On August 28, 2007, I caused a true and correct copy of same to served via facsimile upon the following:

Judith Yavi, Esq.
Anderson, Kill, Olick & Oshinsky
1251 Avenue of the Americas
New York, New York 10020-1000
(counsel for Amchem Products, Inc. and Union Carbide Corp.)

Gregg Borri, Esq.
Law Offices of Gregg J. Borri, Esq.
61 Broadway, Suite 2125
New York, NY 10006
(counsel for Georgia Pacific Co.)

Lawrence McGivney, Esq.
McGivney & Kluger, P.C.
80 Broad Street, 23rd Floor
New York, New York 10004
(counsel for Beckman Coulter, Inc.)

McCarter & English
245 Park Avenue, 27th Floor
New York, NY 10167-2801
(counsel for O.I.)

Carol M. Tempesta, Esq.
Marks, O'Neill, O'Brien & Courtney, P.C.
530 Saw Mill River Road
Elmsford, NY 10523
(counsel for Univar USA, Inc. and VWR International, Inc.)

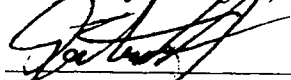
Kristy K. Lyons, Esq.
Hoagland, Longo, Moran, Dunst & Doukas
40 Patterson Street
P.O. Box 480
New Brunswick, NJ 08903
(counsel for Fisher Scientific International Inc.)

Greg A. Dadika, Esq.
Reed Smith LLP
136 Main Street, Suite 250
Princeton Forrestal Village
Princeton, NJ 08540
(counsel for Manorcare Health Services, Inc., d/b/a Manor Care, Inc.)

this being their last known address.


Daniel K. Gadzanku

Sworn to and subscribed before me on
this 28 day of August, 2007


Notary Public

GERTRUDE SOFMAN
Notary Public, State of New York
No. 01806082085
Qualified in New York County
Commission Expires July 23, 2011

SFNY1 109321v4

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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DANIEL B. CARROLL, ESQ.**

DANIEL B. CARROLL, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms under penalty of perjury that:

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Dated: New York, New York
August 24, 2007

DRINKER BIDDLE & REATH LLP

By: 

Daniel B. Carroll
140 Broadway, 39th Floor
New York, New York 10005-1116
(212) 248-3140

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SUPREME COURT OF THE STATE OF NEW YORK
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Notary Public



**SUPREME COURT OF THE STATE OF NEW YORK
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CHRISTIAN F. HOLINKA,

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AFFIRMATION OF DANIEL B. CARROLL, ESQ.

**DRINKER BIDDLE & REATH LLP
140 Broadway, 39th Floor
New York, New York 10005-1116
(212) 248-3140**

Attorneys for Defendant, BAXTER HEALTHCARE CORPORATION

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN RE: NEW YORK COUNTY ASBESTOS
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This document Relates to:
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NYCAL
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Index. No. 114120/06

ORDER TO SHOW CAUSE

PLEASE TAKE NOTICE that, upon the annexed Affirmation of Daniel B. Carroll, Esq., and the Affidavit of David B. Sudzus, Esq., and sufficient cause having been shown, it is

ORDERED, that counsel for the plaintiff and co-defendants show cause in IAS, part 11, Room 351, of the Supreme Court of New York, County of New York, located at 60 Centre Street, New York, New York, before the Honorable Joan A. Madden, J.S.C. on the ____ day of _____, 2007, at ____ . m. or as soon thereafter as counsel may be heard, why an Order should not be entered permitting David B. Sudzus, Esq. to be admitted *pro hac vice* to advise and represent defendant Baxter Healthcare Corporation in the trial(s) or arguments of all matters in which this defendant has an interest before this Court.

ORDERED, that movant file with the court by the return date a Certificate of Good Standing from the State of Illinois as to David B. Sudzus.

ORDERED, that service of copies of this Order to Show Cause and supporting papers be made to all parties before the ____ day of _____, 2007, by serving a copy thereof by personal

service on counsel for plaintiff, Benjamin Darche, Esq., at Weitz & Luxenberg and by facsimile on counsel for all remaining parties, such service shall be deemed sufficient notice.

Hon. Joan A. Madden, J.S.C

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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ORDER TO SHOW CAUSE

**DRINKER BIDDLE & REATH LLP
140 Broadway, 39th Floor
New York, New York 10005-1116
(212) 248-3140**

Attorneys for Defendant, BAXTER HEALTHCARE CORPORATION

SFNIJ 1189826v1

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Hon. Joan A. Madden, J.S.C

**SUPREME COURT OF THE STATE OF NEW YORK
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Attorneys for Defendant, BAXTER HEALTHCARE CORPORATION